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1762

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Emiko Nishida, et al.

Serial No.: 09/891,054

Examiner: Wesley D. Markham

Filing Date: June 25, 2001

Art Unit: 1762

Title: Method and Apparatus for  
Forming an Optical Multilayer  
Filter

October 8, 2003  
San Francisco, California

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Sir:

This communication is submitted in response to the office action mailed September 10, 2003 (referred to herein as "Office Action").

Claims 1-5 are subject to a restriction requirement. According to the Office Action, restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3
- II. Claims 4 and 5

Applicants cancel claims 4 and 5, and elect the claims of Invention I, claims 1-3, without traverse.

Respectfully submitted,

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**Certificate of Mailing Under 37 CFR 1.8**

I certify that this Response to Office Action and all enclosed materials are being deposited with the United States Postal Service on October 8, 2003 with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

David N. Lathrop

Enc. Return receipt postcard